



The MCS Group, Inc.
540 North Golden Circle Dr. - Suite 300
Santa Ana, CA 92705
WRCS@THEMCSGROUP.COM
tel (714) 647-0478 or (714) 852-3118
fax (714) 975-9369

Custodian of Records
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 9, 75 HAWTHORNE
STREET
SAN FRANCISCO, CA 94105

Dear Custodian of Records:

Re: **DURAFLAME, INC.**

MCS#: 63479-05

Attached please find a Deposition Subpoena for Production of Business Records and supporting documents requesting **Records** as described on the **Attachment 3** page of this request. No appearance is necessary if the requested documents/things are produced on: **November 06, 2022**.

You can satisfy your obligation to respond to this subpoena in one of the two standard ways:

1. If you prefer to copy the records yourself, make sure you can obtain a clean legible copy, sign the attached declaration of custodian of records and mail the records back to us at: The MCS Group, Inc., 540 North Golden Circle Drive, Suite 300, Santa Ana, California 92705. Or you can call our office at (714) 852-3118 to arrange for our courier to pick up.

Or

2. Submit digital records, images, invoices or files to us through our Secure Web Portal site located at: **<https://www.themcsgroup.com/secure-provider-portal-wr>**
Enter the MCS # **63479-05** in the MCS Request Number Field.

The date of the production of documents for this subpoena is: **November 06, 2022**. The requesting attorney is expecting the records on or shortly after that date and has scheduled depositions and hearings that require review of these documents, so please be prompt.

If for any reason you will not be producing documents in response to this subpoena request, make your explanation in writing and fax it to our office as soon as possible so the requesting attorney can review your letter and make a timely response.

Important: The Declaration of Custodian or your own Affidavit form MUST be returned with the requested materials. If you do not have part or all the requested materials, you must return the Declaration of Custodian or your own Affidavit form stating which requested materials you are unable to produce.

If you have any questions concerning the production and/or copying of the requested records or to make a copy appointment, please call.

Sincerely,

Zaira Lindemann

(657) 201-8324

zaira.lindemann@themcsgroup.com

OR

Contact **Customer Service** at:

Phone: (714) 647-0478

or (714) 852-3118

Fax: (714) 975-9369

Email: wrCS@themcsgroup.com

IMPORTANT: IF ADDITIONAL FEES ARE DUE FOR COPIES OF THE MATERIALS, PER CA EVIDENCE CODE 1563.(B) (1) YOU **MUST** PROVIDE AN ITEMIZED INVOICE SHOWING HOW THE FEE WAS CALCULATED AND THE FEES **MUST** COMPLY WITH FEES ALLOWED BY CA EVIDENCE CODE 1563 (B) (1) OF \$6.00 PER 15 MINUTES OF TIME AND \$0.10 PER PAGE.

YOU ARE ENTITLED TO BE COMPENSATED FOR THE TIME AND EFFORT PUT IN TO PRODUCE THE MATERIALS BUT FAILURE TO FOLLOW THE LAWS MAY RESULT IN SANCTIONS IN COURT WHICH GENERALLY START AT \$500 PLUS COURT COSTS PLUS DAMAGES.

Any fees over \$150.00 must get approval from The MCS Group, Inc. before proceeding.



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COVID-19 SAFETY PRECAUTIONS

Your health is just as important as ours.

Your time is also valuable. To save time and to handle the safe transfer of materials, please fill out this form and return to us by fax at **(714) 975-9369** or via email at wracs@themcsgroup.com

MCS#: 63479-05 Subject: DURAFLAME, INC. Date Of Birth: N/A

RECORDS AVAILABLE IN DIGITAL FORMAT?

If you have the records in digital format, please submit them to us via our secure webpage located at: <https://www.themcsgroup.com/secure-provider-portal-wr>
Enter the MCS # 63479-05 in the MCS Reference Number Field.

NEED A SHIPPING LABEL TO SHIP THE MATERIALS TO MCS AT OUR EXPENSE?

☐ FedEX ☐ UPS ☐ USPS Priority Mail Approximate Weight: _____ lbs.

Fax Number to Send Label To: _____

Email Address to Send Label To: _____

MATERIALS NEED TO BE ☐ PICKED UP or ☐ COPIED ON SITE:

Materials will be ready on: ☐ November 06, 2022 (Depo Date) or ____ / ____ /20____

☐ U.S. ENVIRONMENTAL PROTECTION AGENCY REGION 9, 75 HAWTHORNE STREET
SAN FRANCISCO, CA 94105

Or at:

☐ _____

Days for Pickup/Copy: ____ Mon ____ Tues ____ Wed ____ Thurs ____ Fri ____ Sat ____ Sun

Hours: ____ AM/PM to ____ AM/PM and ____ AM/PM to ____ AM/PM

For Copying Records on Site: Approximate # pages: _____ or Approximately # of Inches _____

Contact Name: _____ Phone #: _____

*****PLEASE DO NOT PUT STAPLES OR PUNCH HOLES IN THE PAPER DOCUMENTS*****

FAX THIS PAGE TO **(714) 975-9369** SEND VIA EMAIL TO: wracs@themcsgroup.com

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Molly Cherala, Esq. (SBN 326195) Wilson Elser Moskowitz Edelman & Dicker, LLP 655 Montgomery St., Suite 900 San Francisco, CA 94111 TELEPHONE NO.: (415) 433-0990 FAX NO.: (415) 434-1370 E-MAIL ADDRESS: ATTORNEY FOR (Name): UNIVERSAL PROTECTION SERVICE, LP DBA ALLIED UNIVERSAL	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Joaquin STREET ADDRESS: 180 E. Weber Avenue MAILING ADDRESS: CITY AND ZIP CODE: Stockton, CA 95202 BRANCH NAME: Stockton Courthouse	
PLAINTIFF/PETITIONER: DURAFLAME, INC. DEFENDANT/RESPONDENT: UNIVERSAL PROTECTION SERVICE, LP DBA ALLIED UNIVERSAL, ET AL.	
DEPOSITION SUBPOENA FOR PRODUCTION OF BUSINESS RECORDS	

 CASE NUMBER:
 STK-CV-UPI-2021-0009

THE PEOPLE OF THE STATE OF CALIFORNIA, TO (name, address, and telephone number of deponent, if known):
 Custodian of records: U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 9, 75 HAWTHORNE STREET SAN FRANCISCO, CA 94105

1. YOU ARE ORDERED TO PRODUCE THE BUSINESS RECORDS described in item 3, as follows:

To (name of deposition officer): The MCS Group, Inc. (714) 647-0478 / (714) 852-3118
 On (date): November 06, 2022 At (time): 9:00 AM
 Location (address): 540 North Golden Circle Drive, Suite 300, Santa Ana, CA 92705

Do not release the requested records to the deposition officer prior to the date and time stated above.

- ☐ by delivering a true, legible, and durable **copy** of the business records described in item 3, enclosed in a sealed inner wrapper with the title and number of the action, name of witness, and date of subpoena clearly written on it. The inner wrapper shall then be enclosed in an outer envelope or wrapper, sealed, and mailed to the deposition officer at the address in item 1.
 - ☒ by delivering a true, legible, and durable **copy** of the business records described in item 3 to the deposition officer at the witness's address, on receipt of payment in cash or by check of the reasonable costs of preparing the copy, as determined under Evidence Code section 1563(b).
 - ☐ by making the **original** business records described in item 3 available for inspection at your business address by the attorney's representative and permitting **copying** at your business address under reasonable conditions during normal business hours.
2. The records are to be produced by the date and time shown in item 1 (but not sooner than 20 days after the issuance of the deposition subpoena, or 15 days after service, whichever date is later). Reasonable costs of locating records, making them available or copying them, and postage, if any, are recoverable as set forth in Evidence Code section 1563(b). The records shall be accompanied by an affidavit of the custodian or other qualified witness pursuant to Evidence Code section 1561.
3. The records to be produced are described as follows (if electronically stored information is demanded, the form or forms in which each type of information is to be produced may be specified):

SEE ATTACHMENT 3

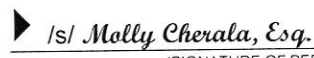
☒ Continued on Attachment 3.

4. IF YOU HAVE BEEN SERVED WITH THIS SUBPOENA AS A CUSTODIAN OF CONSUMER OR EMPLOYEE RECORDS UNDER CODE OF CIVIL PROCEDURE SECTION 1985.3 OR 1985.6 AND A MOTION TO QUASH OR AN OBJECTION HAS BEEN SERVED ON YOU, A COURT ORDER OR AGREEMENT OF THE PARTIES, WITNESSES, AND CONSUMER OR EMPLOYEE AFFECTED MUST BE OBTAINED BEFORE YOU ARE REQUIRED TO PRODUCE CONSUMER OR EMPLOYEE RECORDS.

DISOBEDIENCE OF THIS SUBPOENA MAY BE PUNISHED AS CONTEMPT BY THIS COURT. YOU WILL ALSO BE LIABLE FOR THE SUM OF FIVE HUNDRED DOLLARS AND ALL DAMAGES RESULTING FROM YOUR FAILURE TO OBEY.

Date issued: October 04, 2022

Molly Cherala, Esq.
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PERSON ISSUING SUBPOENA)
 Attorney for UNIVERSAL PROTECTION SERVICE, LP DBA ALLIED UNIVERSAL
 (TITLE)

(Proof of service on reverse)

Page 1 of 2

PLAINTIFF/PETITIONER: DURAFLAME, INC.	CASE NUMBER: STK-CV-UPI-2021-0009
DEFENDANT/RESPONDENT UNIVERSAL PROTECTION SERVICE, LP DBA ALLIED UNIVERSAL, ET AL.	

**PROOF OF SERVICE OF DEPOSITION SUBPOENA FOR
PRODUCTION OF BUSINESS RECORDS**

1. I served this *Deposition Subpoena for Production of Business Records* by personally delivering a copy to the person served as follows:

a. Person served (*name*): Custodian of Records: U.S. ENVIRONMENTAL PROTECTION AGENCY

b. Address where served:

REGION 9, 75 HAWTHORNE STREET, SAN FRANCISCO, CA 94105

c. Date of delivery:

d. Time of delivery:

e. (1) ☒ Witness fees were paid.

Amount:\$ 15.00

(2) ☐ Copying fees were paid.

Amount:\$

f. Fee for service:\$

2. I received this subpoena for service on (*date*):

3. Person serving:

a. ☐ Not a registered California process server.

b. ☐ California sheriff or marshal.

c. ☒ Registered California process server.

d. ☐ Employee or independent contractor of a registered California process server.

e. ☐ Exempt from registration under Business and Professions Code section 22350(b).

f. ☐ Registered professional photocopier.

g. ☐ Exempt from registration under Business and Professions Code section 22451.

h. Name, address, telephone number, and, if applicable, county of registration and number:

The MCS Group, Inc.
540 North Golden Circle Drive, Suite 300
Santa Ana, CA 92705
(714) 647-0478

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:



(SIGNATURE)

(For California sheriff or marshal use only)
I certify that the foregoing is true and correct.

Date:



(SIGNATURE)

SHORT TITLE:	CASE NUMBER: STK-CV-UPI-2021-0009
DURAFLAME, INC. V UNIVERSAL PROTECTION SERVICE, LP DBA ALLIED UNIVERSAL, ET AL.	

ATTACHMENT (Number): 3
(This Attachment may be used with any Judicial Council form.)

MCS#: 63479-05

Custodian of Records for:
U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 9, 75 HAWTHORNE STREET
SAN FRANCISCO, CA 94105

Records re: DURAFLAME, INC.

DOB: N/A

SSN: N/A

Requesting any and all records on the above listed subject.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Molly Cherala, Esq. (SBN# 326195) Wilson Elser Moskowitz Edelman & Dicker, LLP 655 Montgomery St. Suite 900 San Francisco, CA 94111 TELEPHONE NO.: (415) 433-0990 FAX NO. (Optional): (415) 434-1370 E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): UNIVERSAL PROTECTION SERVICE, LP DBA ALLIED UNIVERSAL		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Joaquin STREET ADDRESS: 180 E. Weber Avenue MAILING ADDRESS: CITY AND ZIP CODE: Stockton, CA 95202 BRANCH NAME: Stockton Courthouse		
PLAINTIFF/ PETITIONER: DURAFLAME, INC. DEFENDANT/ RESPONDENT: UNIVERSAL PROTECTION SERVICE, LP DBA ALLIED UNIVERSAL, ET AL.		CASE NUMBER: STK-CV-UPI-2021-0009
NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)		

NOTICE TO CONSUMER OR EMPLOYEE

TO (name): DURAFLAME, INC.

C/O Attorney of Record: Sally Noma, Esq.

- PLEASE TAKE NOTICE THAT REQUESTING PARTY (name): UNIVERSAL PROTECTION SERVICE, LP DBA ALLIED UNIVERSAL SEEKS YOUR RECORDS FOR EXAMINATION by the parties to this action on (specify date): November 06, 2022
The records are described in the subpoena directed to **witness** (specify name and address of person or entity from whom records are sought): **U.S. ENVIRONMENTAL PROTECTION AGENCY, REGION 9, 75 HAWTHORNE STREET SAN FRANCISCO, CA 94105**
A copy of the subpoena is attached.
- IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED. IN ITEM a. OR b. BELOW:
 - If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the **witness** and the **deposition officer** named in the subpoena at least five days before the date set for production of the records.
 - If you are not a party to this action, you must serve on the **requesting party** and on the **witness**, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should **not** be filed with the court. **WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.**
- YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date: October 04, 2022

Molly Cherala, Esq. _____
(TYPE OR PRINT NAME)
 ▶ /s/ Molly Cherala, Esq. _____
 (SIGNATURE OF ☐ REQUESTING PARTY ☒ ATTORNEY)

OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

- ☐ I object to the production of all of my records specified in the subpoena.
- ☐ I object only to the production of the following specified records:

3. The specific grounds for my objection are as follows:

Date: _____

(TYPE OR PRINT NAME)_____
(SIGNATURE)

(Proof of service on reverse)

**DECLARATION OF SERVICE OF NOTICE TO CONSUMER, COUNSEL AND
PARTIES IN THE CASE BY ELECTRONIC MEANS**

Per California Code of Civil Procedure Section 1010.6(a)(2)

I, the undersigned, declare that I am, and was at the time of service of the papers referred to, over the age of 18 years and not a party to the within action or proceeding. I am employed in the County of Orange by The MCS Group, Inc. and my business address is: The MCS Group, Inc., 540 North Golden Circle Drive, Suite 300, Santa Ana, CA 92705.

On **October 04, 2022**, I served a copy of the Deposition Subpoena for Production of Business Records and Notice to Consumer, by electronically serving copies to the email addresses as shown below. If the email address is not present on this list, then a printed copy of the notice was mailed out via USPS First Class mail to the physical address listed because a valid email address was not available at the time of this notice being compiled.

Sally Noma, Esq.
Noma Law Firm APC
505 14th Street Ste 900
Oakland, CA 94612
(415) 493-0755
Sally@nomalaw.com

Butler Weihmuller Katz Craig LLP
400 N. Ashley Drive Ste 2300
Tampa, FL 33602
(813) 281-1900
sravenel@butler.legal

Sean P. Ravenel, Esq.

On (date): **October 04, 2022**

At approximately (time): 4:00pm

Electronic service address from which I served the documents: california.office@themcsgroup.com

☒ (State) I declare under penalty of perjury, under the laws of the State of California that the foregoing is true and correct.

Executed on: **October 04, 2022**, at Santa Ana, CA 92705.



James L. O'Ferrell, Deposition Officer
The MCS Group, Inc.
540 N. Golden Circle Drive, Suite 300
Santa Ana, CA 92705



The MCS Group, Inc.
540 North Golden Circle Drive, Suite 300
Santa Ana, CA 92705
wracs@themcsgroup.com
tel (714) 852-3118
fax (714) 975-9369

DECLARATION OF CUSTODIAN OF RECORDS

DURAFLAME, INC. v UNIVERSAL PROTECTION SERVICE, LP DBA ALLIED UNIVERSAL, ET AL.

Records pertaining to: **DURAFLAME, INC.**
Date of Birth: **N/A**

Records

Any and all Records up to and including the present.

A. I HEREBY DECLARE, under penalty of perjury, that the following statements are true to the best of my knowledge and belief at the time this form was completed.

I am the duly authorized custodian of records and certify that the accompanying documents and things are true and complete copies of the records in our possession, custody and control, and were maintained in the regular course of business and prepared by authorized personnel at or near the time of acts, conditions or events recorded.

Mark all that apply: ☐ Medical Records ☐ Employment Records ☐ Photographs ☐ Insurance Records
☐ Billing Records ☐ Radiology Images on CD/Film ☐ Other _____

No documents, records or other things have been withheld except as noted below.

Certain records were omitted as follows: _____

☐ Records have been previously produced and/or are same as records produced for order # _____

CERTIFICATE OF NO RECORDS

B. I HEREBY DECLARE, under penalty of perjury, that the following statements are true to the best of my knowledge and belief at the time this form is completed.

I am the duly authorized custodian of records and certify that the efforts made to locate the records requested in the subpoena or authorization was undertaken by the personnel of this business in the ordinary course of business. After a thorough search of our files, we show no records or things as described in the subpoena/ authorization under the name(s) given. This does not mean that records do not exist under another spelling, another name, or another classification. However, based upon the information furnished us and to the best of my knowledge, no such records exist in our custody. Mark all that apply:

☐ No Medical Records ☐ No Employment Records ☐ No Photographs ☐ No Insurance Records
☐ No Billing Records ☐ No Radiology Images on CD/Film ☐ No Other: _____

Explanation: ☐ The records have been lost/destroyed. ☐ No records exist for dates requested.

☐ Records could not be located with the information provided ☐ Subject was never a patient/client of ours.

☐ The requested records MAY be in the possession of: _____

☐ Other: _____

Location: U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 9, 75 HAWTHORNE STREET
SAN FRANCISCO, CA 94105

Executed on: (date) _____ at (city/state) _____

Custodian of records signature: _____

Print or type name: _____